UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1996/NGO/31
16 August 1996

ENGLISH AND FRENCH ONLY

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-eighth session
Agenda item 10

THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[14 August 1996]

1. The International Federation of Human Rights (FIDH) and its affiliate, the Vietnam Committee on Human Rights, are deeply concerned by conditions of detention in the Socialist Republic of Viet Nam (SRV) which fall far short of the United Nations Standard Minimum Rules for the Treatment of Prisoners. According to reports sent clandestinely to the Vietnam Committee by political prisoners in Z30A K1 Re-education Camp (Xuan Loc, Dong Nai Province) on 27 May 1996, prisoners of conscience are subjected to cruel and degrading treatment, in spite of the constructive recommendations made by the Working Group on Arbitrary Detention after their visit to Viet Nam in 1995. These reports confirm conditions described by political prisoner Pham Van Thanh in 1994 in his "White Paper" on A20 Camp (Phu Yen Province) and in letters from other political prisoners received by the Vietnam Committee.

2. In Camps A20 and Z30 K1, prisoners live in overcrowded barracks which house up to 80 prisoners. The barracks have no inside lavatories, and detainees sleep in rows on the floor in a space of 60-70 centimetres per

person. Clothes, blankets and mosquito-nets are insufficient, and malnutrition is widespread. The prisoners' diet - basically rice mixed with salt water - is inadequate for their health and strength. Promises to provide inmates with a monthly bonus of 100 grammes of pork made by the prison authorities of Camp A20 in December 1993 were never fulfilled.

3. Reports indicate that medical treatment in the camps is virtually non-existent, far below the provisions of points 22-26 of the Standard Minimum Rules. Pham Van Thanh states that only one tenth of prisoners needing medical care actually receive treatment, and the only medication available is locally made aspirin. The camp hospital admits only dying prisoners or those who can pay for their own treatment. Detainees frequently sacrifice their food rations to pay for fellow inmates to have hospital treatment, e.g. the case of Hoang Dinh My, who lost an eye in a work accident, and Van Dinh Nhat, stabbed by a common criminal in Camp A20.

4. In some cases, such as that of Venerable Thich Quang Do, prisoners of conscience are deliberately deprived of medical treatment. In others, they are made to perform hard labour against the camp doctor's advice, e.g. Pham Van Dang, a prisoner in Camp A20 with high blood pressure who died working on the "Brick Brigade". In Camp A20, lack of medical care is the principal cause of death. Camp infirmaries are "invariably filthy and overcrowded", and sick patients lie next to prisoners suffering from highly contagious diseases. Indeed, political prisoners are sometimes deliberately exposed to contagion as a disciplinary measure. In Camp Z30A K1, Thich Tri Sieu (Le Manh That), Thich Thien Minh (Huynh Van Ba), Nguyen Dan Que and Nguyen Huu Cau were transferred to a tuberculosis zone after they advocated democracy and human rights during a political seminar in the camp in November 1995.

5. Political prisoners also report that they are frequently subjected to inhuman treatment and torture. Prisoners of conscience are detained together with dangerous common criminals who beat and abuse them. In Camp Z30A K1, common criminals are employed by the prison authorities as overseers "to tyrannize, bully and beat political prisoners", in contravention of point 28 of the Standard Minimum Rules.

6. Corporal punishment, often unjustified, is frequently inflicted on prisoners in flagrant violation of points 31-34 of the Standard Minimum Rules. Punishments consist of beatings (a number of prisoners have been battered to death), detention in dark cells, solitary confinement and reduction of diet. Catholic priests Nguyen Chau Dat and Nguyen Viet Huan, former diplomat Pham Tran Anh, Nguyen Thanh Tuong and several others in Z30A K1 were severely beaten for expressing opinions in favour of democracy and human rights during a political seminar (15-18 November 1995).

7. Whereas solitary confinement cells appeared to be infrequently used during the Working Group on Arbitrary Detention's visit, the practice of solitary confinement is systematically implemented in Viet Nam today. Buddhist monks Quang Do, Tri Sieu (Le Manh That), Tri Tuu, Hai Tang, Hai Thinh, Thien Minh (Huynh Van Ba), Dr. Nguyen Dan Que and Mr. Nguyen Huu Cau have all spent several months in solitary confinement recently - some continue to be detained today. Catholic priests Minh

(Vinh Son monastery), Nguyen Luan and Nguyen Van Vang died in isolation cells. Solitary confinement cells measure 2.5 square metres. They are extremely damp, without windows or air vents. Freezing cold in winter and stiflingly hot in summer, the cells are either kept lighted day and night to prevent prisoners from sleeping, or maintained in total darkness. Prisoners are shackled and fed only one bowl of rice mixed with salt water per day. Forced labour is not designed to reintegrate political prisoners, but used to punish them and make profits for the camp. Daily work-norms are fixed and compulsory: each prisoner must dig 1.3 cubic metres of hard, rocky soil (Camp Z30A K1), or produce 1,400 bricks per day (Camp A20), eight hours per day, seven days a week. No political prisoners are exempted from manual labour, even the sick and elderly, e.g. Tran Huu Duyen (81 years old) and Father Nguyen Chau Dat (72 years old) in Camp Z30A K1. Prisoners wishing to be exempted from hard labour must pay 100-200,000 dongs (US$ 10-$20) to the camp authorities. In Camp A20 prisoners receive a monthly wage of 30,000 dongs (US$ 3), approximately 20 times less than that of an average worker. This wage is grossly insufficient, since prisoners have to pay for electricity, water, ventilation and all other basic necessities out of their own pockets at more than double the normal rates. Prisoners are obliged to rely on supplies from their families in order to survive.

8. Prisoners in Nam Ha Camp were ordered to "make the camp rich". In fact, on top of their normal working hours, detainees are often hired out to work for private entrepreneurs, or do jobs for camp officials. In Camp Z30A K1, Buddhist monk Tri Luc (Pham Van Tuong) was made to help build a private villa for a security officer. Many prison camps appear to be run as businesses, with camp officials sharing the profits of the prisoners' labour.

9. Moreover, there is no attempt to prepare prisoners for reinsertion into society. Detainees are allowed no other activities apart from manual labour. They are not allowed to read, learn foreign languages or possess any foreign books. The right to write letters is also severely restricted. All religious activities (reciting prayers, preaching, holding religious services, etc.) are branded "superstitious practices" and forbidden. The suppression of prisoners' religious life is inconsistent with the guarantees of religious freedom embodied in article 70 of the SRV Constitution.

10. Political prisoners have written successive letters and petitions to alert the prison authorities, the Government and the international community about conditions of detention and maltreatment of prisoners in Viet Nam. Pham Van Thanh smuggled out a White Paper on conditions in Camp A20 and organized a non-violent demonstration to protest a ban on political prisoners meeting Mr. Joinet in 1994. After this protest, Pham Van Thanh and over 100 political prisoners were transferred to camps in northern Viet Nam without any notification to their families.

11. On 27 May 1996, political prisoners in Camp Z30A K1 petitioned the camp authorities for improvement in the treatment of prisoners. Although the right to make complaints is guaranteed in point 36 of the Standard Minimum Rules, the prisoners were brutally disciplined. Nguyen Thanh Hong, Nguyen Viet Dao, Thai Phi Kich, Nguyen Van Bien and Nguyen Van Tuu were beaten, shackled and placed in solitary confinement. The latter three prisoners are reportedly in danger of death as a result of continuous beatings. The inhuman detention

conditions imposed upon Venerable Huyen Quang, Patriarch of the Unified Buddhist Church of Viet Nam, are also of great concern. Arrested on 29 December 1994 after 13 years under house arrest without charge, Venerable Huyen Quang is detained incommunicado in Nghia Hanh, Quang Ngai Province. He is not allowed any medical treatment for his high blood pressure or for the serious lung infection he contracted due to pesticides sprayed in the vicinity of his cell. Ven. Huyen Quang has asked to be transferred elsewhere, but the authorities refuse, and Security Police have threatened him with violence if he does not remain silent for the next two years.

12. FIDH and the Vietnam Committee regret that Viet Nam has not taken adequate steps to conform with international standards in regard to imprisonment and detention. On the basis of prisoners' reports, the organizations are concerned that, contrary to the objectives and principles embodied in the United Nations Standard Minimum Rules for the Treatment of Prisoners, the Vietnamese prison system is possibly being used as a means of "subtly suppressing political prisoners", to quote Dao Van Quan, political prisoner in Camp A20. FIDH and the Vietnam Committee therefore call upon the Sub-Commission to strongly urge Viet Nam to ameliorate the conditions of detention and the treatment of prisoners. The organizations also encourage Viet Nam to accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol to the International Covenant on Civil and Political Rights.